

## **REMARKS**

### **1. Summary of the Office Action**

In the office action mailed June 1, 2007, the Examiner rejected claims 1-3, 24, 27 and 37 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent N. 6,842,453 (Kloth). The Examiner also rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Kloth further in view of U.S. Patent No. 5,555,405 (Griesmer), rejected claims 5, 18-21, 23-24, 27-31, and 34-36 as being unpatentable over Kloth and further in view of U.S. Patent No. 6,018,526 (Liu), rejected claim 25 as being unpatentable over Kloth in view of Liu and further in view of U.S. Patent No. 6,021,202 (Anderson), and rejected claims 38-39 as being unpatentable over Kloth. The Examiner also indicated that claims 6-17, 22, 32, and 40 would be allowable if re-written to include all of the limitations of the base claims.

### **2. Status of the Claims**

Presently pending are claims 1-40, of which claims 1 and 23 are independent and the remaining claims are dependent. Applicant has added new claims 41-45, of which claim 41 is in independent form and claims 42-45 are in dependent form.

### **3. Response to Rejections**

As noted above, the Examiner rejected claim 1 under 35 U.S.C. §102(e) as being anticipated by Kloth. The Examiner also indicated that claim 7 would be allowable if re-written to include all of the limitations of the base claims. Applicant herein has amended claim 1 to include the elements of claim 7 and has canceled claim 7. Applicants respectfully submit that claim 1 and those depending therefrom are in condition for allowance.

With respect to claim 23, the Examiner rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over Kloth as applied to claim 1 and further in view of Liu. The Examiner also indicated that claim 32 would be allowable if re-written to include all of the limitations of the base claims.

Applicant herein has amended claim 23 to include the elements of claim 32 and has canceled claim

32. Applicant did not include the subject matter of intervening claim 28, but submits that when the subject matter of claim 32 is combined with claim 23, the combination is sufficient to overcome the prior art rejections. Therefore, amended claim 23 and those depending therefrom are now in condition for allowance.

With regard to new claims 41-45, the new claim 41 is directed toward a method for “switching an Ethernet packet,” comprising the steps of “computing a tag for the Ethernet packet,” “looking up the computed tag in a table,” and “including a route header with the packet.” In addition, the new claim 41 also recites that “the header includes routing information for multiple hops through a plurality of nodes.” Applicant submits that combinations of cited references do not disclose those elements recited by new claim 41. Applicant submits that, for these reasons, claim 41 recites a novel and nonobvious combination of elements, and therefore claim 41 and the subsequent dependent claims 42-45 are also in condition for allowance.

#### **4. Conclusion**

Independent claims 1, 23 and 41 are therefore in condition for allowance. The remaining claims are dependent from claims 1, 23, and 41 and are allowable for at least the reasons set forth above. For these reasons, Applicant respectfully requests favorable reconsideration and allowance of all of the pending claims. Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-3305.

Respectfully submitted,

McDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP

Date: December 3, 2007

By: /Robert J. Irvine III/  
Robert J. Irvine III  
Registration No. 41,865